

**PRINCIPLES OF THE  
MEMORANDUM OF UNDERSTANDING**

**Between**

**The Dundee University Students' Association**

**And**

**The University of Dundee**

## **PRINCIPLES OF THE MEMORANDUM OF UNDERSTANDING**

Between

The Dundee University Students' Association, (Scottish registered Charity Number SC 016047) and having its principal office at Airlie Place, Dundee (DUSA)

And

The University of Dundee, incorporated by Royal Charter (Scottish Registered Charity Number SC 105096) and having its principal office at Perth Road, Dundee DD1 4HN (the University)

### **1. Background**

The University and DUSA currently have in place a Code of Practice (<http://www.somis.dundee.ac.uk/court/policy/sacodeofpractice.htm>) approved by the University Court on 14 June 2004 as required in terms of Section 22 of the Education Act 1994 and an agreement governing the use of certain buildings.

This MOU, including its Appendix, is intended to provide guidance for the ongoing relationship between the DUSA and the University to enable them to meet their mutual and individual commitments laid out below.

The University and DUSA are also bound in terms of the Education Act 1994 which relates to such matters as the students' union, its constitution and membership, elections to its offices, its financial affairs and reporting, its funding of clubs and societies, its affiliation to external bodies and how it deals with complaints and in terms of the Education Act 1986 which relates to freedom of speech issues. Both the University and DUSA will work together to ensure both are able to meet these legal requirements.

### **2. Mutual Commitments**

Both parties agree it is in the best interests of the University and its members to retain a strong and financially viable students' association. The Association serves a valuable purpose to students in terms of representation, social and recreational facilities and extracurricular activities.

The University and DUSA both attach great importance to the welfare of students. Both will co-operate fully in providing complementary services of quality and share with the other any appropriate information, data and statistics to support this co-operation. This cooperation will be formalised in DUSA's Pastoral Committee, the membership of which will include the University Director of Student Services, a senior member of Students Services staff with responsibility for pastoral support and the University Secretary, and in the inclusion of DUSA Executive members in all relevant University committees and appointment panels consistent with the University's commitment to student representation. This committee will report to the University's Student Experience Operation Group.

Both parties will work together towards establishing agreements on the specifics outlined in this MOU including those matters relating to the student experience at Dundee (including facilities and student activities), ensuring student representation at all levels to input and feedback on the quality of their learning and teaching, finance and other campus services as appropriate.

Both parties will use their best endeavours to formulate and reach agreement on these specifics and will report back progress to their respective governing bodies on a biannual basis.

Both DUSA and the University will inform the other if significant media publicity is sought for any issue concerning the other.

Both DUSA and the University will take an active involvement in the running of all official elections and referendums on campus. This will include the University providing IT support and hosting the elections within the VLE, and DUSA organising election publicity. Both parties will engage with the Election Liaison Committee which includes members from DUSA and the University.

Both parties will assist students in need of access to aid and support when appealing against decisions made by the University, whilst having due regard to any conflict of interest that may arise. The DUSA Deputy President and the University Students' Assessor(s) in particular will provide assistance when requested by students, and the University will include the DUSA President or their nominee on Appeals Panels.

Both parties will collaborate on a Student Partnership Agreement which will be a joint publication by both DUSA and the University. This Agreement will be updated annually in consultation with both parties and will be signed by the DUSA President and University Principal & Vice-Chancellor.

### **3. University's Commitments**

Student representation is fundamental to the University of Dundee. To this end, the University will consult with DUSA at all stages and keep it advised on any proposed developments relating to these commitments and to ensure regular liaison and communication.

The University will provide a number of channels of communication between itself and DUSA, including through individual meetings between staff and students, and student representatives attendance at and/or membership of formal and informal committees.

The DUSA President will hold regular meetings with senior members of Student Services, the Library & Learning Centre and UoD IT. The DUSA President and General Manager will also meet regularly with the University Secretary, Director of Policy, Governance & Legal Affairs and the Vice Principal for Learning & Teaching.

The University commits to:

Involve students in governance forums (Court, Senate and relevant committees) as well as in any other committees, subcommittees and working groups which will impact upon the student experience.

Include a member of the DUSA Executive or another student representative, normally the DUSA President, on all Appointment Committees for roles at Grade 10 and Grade 9 which directly affect the student experience or the senior management of the University.

Provide DUSA with certain premises for the general purpose of furthering the social, recreational, cultural and welfare activities of the University's students together with other areas in the University where DUSA may carry out trading activities. The allocation may be varied where necessary for the good of the University as a whole and following consultation to ensure that wherever possible there is no detriment or prejudice to DUSA in such variation.

Permit DUSA and its clubs and societies to make use of other areas in the University free of charge as agreed from time to time by the University, subject to availability for social, recreational, educational and cultural activities at that time; such areas to remain the management responsibility of the University. Clubs and societies will complete the necessary forms and adhere to DUSA procedures for approving booking of rooms.

Grant DUSA the non-exclusive right to reproduce the University Logo and Crest which are the property of the University without charge for the purposes in terms of its Constitution and other appropriate documents, provided that the style of use complies with the conditions that are laid down by the University to protect its property and interests. Any other use of the University Logo and Crest should be referred to the University Secretary for approval.

Involve DUSA in the University's annual planning and budgeting cycle in a manner equivalent to that of a School or Directorate, such that there is full consultation of the Association's aspirations and plans when setting the annual subvention to DUSA and finalizing the University's capital programme for the year.

Support DUSA officers with the goal of enhancing the student experience.

Formally review DUSA's Constitution, this Memorandum of Understanding and any subsequent agreements at least once every five years. However, if DUSA submits proposals to the University for substantial amendments to the Constitution in any year, the next formal review will be held five years from the year in which those amendments were approved by the University.

Commissioning, as part of its annual audit programme and in line with its responsibilities under the Education Act, an internal audit of DUSA. The terms of reference of which will be discussed and agreed with the President and General Manager.

#### **4. DUSA's Commitments**

To represent the views of students and members of DUSA staff via elected officers, SRC, College, School and class representatives.

To provide social and recreational facilities for students.

To work in partnership with the University and Student Services to ensure that appropriate welfare services are provided.

To ensure that DUSA is financially sustainable and that it is governed and managed in a way that accords with best practice in the sector. The financial performance of the Association shall be a subject of discussion at the regular meetings the President and General Manager have with the University Secretary, Vice-Principal (Learning & Teaching) and Director of Policy, Governance and Legal Affairs.

To work with the University to enhance the student experience.

To work with the University to enhance the reputation of the University.

To work collaboratively with the Sports Union to advance students' interests in the fields of sport, exercise and healthy living.

To work with the University in assuring and enhancing the quality of teaching and learning

To publish an interim annual report for submission to its members at an annual general meeting and a subsequent report for presentation to the University Court so this may be available to the University Court when it considers and decides upon the allocation of DUSA's annual funding. The completed annual report will be published over the summer and shall contain:

- a statement that DUSA operates in a fair and democratic manner and that it has properly accounted for its finances.
- a report on DUSA finances including procedures for allocations to student clubs and societies, a report of any charitable collections, a list of the external organisations to which DUSA has made any donations in the period to which the report relates and a report of its current affiliations.
- a report on the conduct and outcome of elections of DUSA Officers.

#### **5. The relationship between DUSA and the University**

In addition to collaborating and consulting with the other as specified above, the formal channels of approval are outlined as follows:

DUSA shall conduct and manage its own affairs in accordance with a written constitution approved by the University.

The University, through its Court, will approve the Constitution and require that it be reviewed at intervals of no more than 5 years. Any amendment to the Constitution will also require the approval of the University Court.

In terms of its Charter, and except as otherwise specifically previously agreed between the parties in writing, the University shall be in no way liable for any unauthorised debts, liabilities and other obligations incurred or for any acts done or omitted by DUSA.

**6. Management and accountability**

In relation to DUSA's affairs, the University looks to the President of DUSA and the Chairperson of the DUSA Board of Trustees as having prime responsibilities and accountabilities, although all Trustees are liable to some extent under Scottish Charity Legislation. The Constitution outlines the position and responsibilities of DUSA officers and in particular those relating to the use of DUSA funds, bearing in mind the charitable status of DUSA.

In recognition of its responsibilities in particular areas of activity, the University will, in consultation with DUSA and the Election Liaison Committee, appoint a number of returning officers to oversee the electoral procedures of DUSA.


The internal fixtures and fittings of premises occupied by DUSA are the management responsibility of DUSA.

Complaints received by DUSA will be dealt with in accordance with its procedure.

DUSA Media's outlets are led by student media managers selected according to DUSA's Constitution and Bye Laws and receive financial support from DUSA. DUSA's Vice President of Communications and Campaigns, supported by a Media Guidance Panel, oversees DUSA Media and its broadcasts and publications. As such they are independent of the University and no responsibility will be accepted by the University for anything published by DUSA. The Association will at all times endeavour to ensure that any material published is not illegal in nature and that the media outlets always comply with the best standards of journalistic practice.

The University and DUSA will always seek to resolve tensions and conflict directly and collaboratively. If a specific dispute arises which they cannot resolve directly, the issue may be referred to independent mediation. The mediator, mediators and/or mediation service shall be selected by agreement between the parties.

SIGNED FOR THE UNIVERSITY .....  ..... UNIVERSITY SECRETARY

SIGNED FOR DUSA .....  ..... PRESIDENT

## **Appendix: Implementation of the Financial Principles**

The University is required under the Education Act 1994 to take such steps as are reasonably practicable to ensure that DUSA is accountable for its finances and that the financial affairs of DUSA are properly conducted as well as ensuring that arrangements exist for the approval of DUSA's budget and the monitoring of its expenditure by the University. The manner in which the University exercises this requirement is detailed in the Code of Practice referred to above.

DUSA is responsible for ensuring that funds from the University are used in accordance with its constitution and purposes and will keep proper accounts and accounting records and maintain a sound system of internal financial management and control. On behalf of the University, the Director of Finance will receive bi-annual management accounts and reports against budget for monitoring purposes. In allocating an annual grant to DUSA the University must be satisfied that DUSA has appropriate arrangements for financial management, accounting and control and that the University funds are used for the purposes for which they were given. The University's Director of Finance shall inform the University Court if they have serious concerns about DUSA's financial affairs and the University may suspend the payment of grant if in its opinion it is appropriate and reasonable to do so.

The University Court Finance & Policy Committee will review the DUSA budget annually in consultation with the DUSA Board of Trustees on the basis of recommendations brought forward by the University senior management following consultation and discussion with the President and General Manager. Based on this and in the context of the University's annual budget, the University will allocate funds to DUSA, both in terms of its annual subvention and any allocation of approved capital funds. The University will also make available copies of its own published annual report to the DUSA Board for its information. Financial reports, including internal allocation of its resources of DUSA should be published at quarterly intervals, be available to the students and the University Court and should list donations to external organisations.

The activities of DUSA will be subject to scrutiny by the University's internal auditors. External Auditors, appointed by DUSA, will audit the accounts of DUSA on an annual basis and the audited accounts presented to University. They will be widely available for inspection by students. Audited accounts will be presented annually to the University.

A Financial Report of DUSA will be published annually and made available to students and the University. The Report will be widely available for inspection by students.

The University will determine the funds to be allocated to DUSA in any year on the basis of an annual financial and strategic plan from DUSA specifying the uses to which funds will be put and, following consultation with DUSA, such allocation shall be considered as part of the University's normal planning processes and approved by University Court.

DUSA shall make the necessary insurance arrangements for all of its activities and provide information on these to the University on request.

The review of remuneration arrangements for DUSA's sabbatical officers must be undertaken in accordance with the principles of good governance and sabbatical remuneration must be included in the annual accounts produced by DUSA, submitted to the Office of the Scottish Charity Regulator and the DUSA Annual General Meeting, and made publicly available.

DUSA will be responsible for tax registration, compliance and for payment of all taxes including VAT and Corporation Tax as a result of student activities. DUSA may not undertake any borrowing or lending of monies without the prior approval of the University.

SIGNED FOR THE UNIVERSITY.....UNIVERSITY SECRETARY



SIGNED FOR DUSA.....PRESIDENT





# **CODE OF PRACTICE REGARDING THE IMPLEMENTATION OF THE EDUCATION ACT 1994 - PROVISIONS RELATING TO STUDENTS' UNIONS**

## **1. Introduction**

Section 22 of the Education Act 1994 requires that the governing body of every establishment to which that part of the Act applies shall take such steps as are reasonably practicable to secure that any students' union for students at the establishment operates in a fair and democratic manner and is accountable for its finances.

## **2. Constitution of Dundee University Student Association (DUSA)**

As required by the Act, DUSA has a written constitution, which is available to all members. The constitution and any amendments thereto are subject to approval by the University Court. The constitution will be submitted to the Court for review at intervals of not more than five years.

## **3. Right to Opt Out of Membership**

Students have the right to notify the University that they wish to opt out of membership of DUSA at any time during the academic year. Once a student has opted out, that will hold good for the remainder of the academic year. Students who opt out will be informed of the consequences in relation to services and given a distinctive matriculation card. DUSA will be notified of all decisions to opt out so that its membership records can be kept up-to-date.

A brief statement about the right to opt out of membership of DUSA will appear in the information for new students issued each year by the Registry, referring enquirers to the Secretary of the University.

Also, the right of students to opt out of membership of DUSA will be referred to in the notices displayed during matriculation and on each party's respective website.

## **4. Consequences of Opting Out**

Any student who chooses to opt out of DUSA

- (a) shall not be deemed to be an ordinary student member of DUSA and shall not be eligible for associate membership;
- (b) shall not be able to use licensed facilities in DUSA buildings (unless introduced as a guest);
- (c) shall not be able to participate or vote in general meetings, elections or referendums of DUSA;
- (d) shall not be able to hold office within DUSA.

Any student who opts out shall, however,

- (a) be liable to pay any higher subscription rate to be a membership of student societies which may be generally applicable to non-members of DUSA;

(b) be able to participate in work of departmental student/staff liaison committees;

(c) have full access to DUSA shops and other non-licensed premises.

#### **5. Election to Major Union Offices**

The constitution of DUSA shall continue to provide that appointment to major union offices should be by election in a secret ballot at which all ordinary student members are entitled to vote.

The University, in consultation with DUSA and the Election Liaison Committee, shall continue to appoint Returning Officers to oversee elections and ensure that they are fairly and properly conducted. The Court may require, as it considers necessary, a report from a Senior Returning Officer.

No one should serve as a sabbatical or paid elected officer for more than two years.

#### **6. Financial Affairs of DUSA**

The management of the Association's financial affairs shall continue to be vested in a Board of Trustees consisting of the Executive and six other persons approved by the SRC of the University. University Court must be informed of any new additions to DUSA's Board of Trustees.

The Board of Trustees will appoint a Financial Manager who has the power to draw to the attention of Court any matter within his or her terms of reference.

Financial reports should be published annually, or more frequently, and made available to the Court and all students.

Those reports should include a list of the external organisations to which DUSA has made donations in the periods to which such accounts or reports relate.

The procedure for allocating resources to groups or clubs should be fair, written down and accessible to all students.

#### **7. Affiliations**

With regard to new affiliations, DUSA will publish notice of any intention to affiliate to an external organisation in The Magdalen (or its successor) and by letter to the Secretary of the University, giving details of the name of the organisation and any subscription, fee or donation which may be proposed. If no constitutionally-competent objection is received within two semester-time weeks, the affiliation will go ahead.

A list giving details of all current affiliations as required by the Act will be included in the DUSA Annual Report, and submitted for approval to the Annual General Meeting of DUSA.

A ballot on continued affiliation may be held in accordance with the procedures as to elections and referenda laid down in the DUSA constitution. A referendum may be held by decision of a General Meeting requisitioned by not less than 100 members, decision of the Student Representative Council or on receipt of a petition to the DUSA Executive signed by 125 members.

#### **8. Complaints Procedure**

Students who are dissatisfied in their dealings with DUSA should submit a written complaint, via letter or email, to the DUSA President in the first instance. Should the complaint be regarding the DUSA President, the complaint should be submitted to the DUSA General Manager.

If you feel as a student that you have been unfairly disadvantaged by exercising your right to opt out of membership of DUSA or if you are not satisfied with the outcome of a complaint you have made to the DUSA President, you may make a complaint in writing to the University using Stage 2 of the University's own complaints handling process (CHP).

Details of this CHP are found on the University's website along with a style complaints form to help you focus on the important elements you want looked into in your complaint (<http://www.dundee.ac.uk/academic/dca/complaints/index.htm>).

Complaints should be made to [complaintsresolution@dundee.ac.uk](mailto:complaintsresolution@dundee.ac.uk) or addressed to the Directorate of Policy, Governance and Legal Affairs. The University will appoint a Complaints Investigator to consider your complaint and make a decision on it.

Should you remain dissatisfied with that decision then you are entitled to write to the Scottish Public Services Ombudsman and further details are contained in the CPH regarding this.

#### **9. Charities Law**

The University will bring to the attention of students any restrictions imposed on the activities of DUSA by the law relating to charities. Such obligation on the University's part, however, shall not in any way diminish the duty of DUSA's own auditors in this regard.

#### **10. Freedom of Speech**

The Education Act 1986 sets out obligations on individuals and bodies concerned in the government of universities to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers. Although the provisions of the Act do not formally apply to institutions of higher education in Scotland, DUSA has put in place arrangements to ensure that such freedom of speech is secured, via their conditions of let to societies of University and Association premises.

#### **11. Dissemination to Students**

This Code of Practice shall be made widely available to the student body of the University.